

under common law, under law merchant, or by reason of normal business practice.

(Added Pub. L. 101-311, title I, §106(a), June 25, 1990, 104 Stat. 268.)

CHAPTER 7—LIQUIDATION

SUBCHAPTER I—OFFICERS AND ADMINISTRATION

- Sec. 701. Interim trustee.
- 702. Election of trustee.
- 703. Successor trustee.
- 704. Duties of trustee.
- 705. Creditors' committee.
- 706. Conversion.
- 707. Dismissal.

SUBCHAPTER II—COLLECTION, LIQUIDATION, AND DISTRIBUTION OF THE ESTATE

- 721. Authorization to operate business.
- 722. Redemption.
- 723. Rights of partnership trustee against general partners.
- 724. Treatment of certain liens.
- 725. Disposition of certain property.
- 726. Distribution of property of the estate.
- 727. Discharge.
- 728. Special tax provisions.

SUBCHAPTER III—STOCKBROKER LIQUIDATION

- 741. Definitions for this subchapter.
- 742. Effect of section 362 of this title in this subchapter.
- 743. Notice.
- 744. Executory contracts.
- 745. Treatment of accounts.
- 746. Extent of customer claims.
- 747. Subordination of certain customer claims.
- 748. Reduction of securities to money.
- 749. Voidable transfers.
- 750. Distribution of securities.
- 751. Customer name securities.
- 752. Customer property.

SUBCHAPTER IV—COMMODITY BROKER LIQUIDATION

- 761. Definitions for this subchapter.
- 762. Notice to the Commission and right to be heard.
- 763. Treatment of accounts.
- 764. Voidable transfers.
- 765. Customer instructions.
- 766. Treatment of customer property.

AMENDMENTS

1984—Pub. L. 98-353, title III, §471, July 10, 1984, 98 Stat. 380, substituted “Successor” for “Succesor” in item 703.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 103, 109, 303, 321, 326, 327, 330, 341, 346, 347, 362, 365, 502, 508, 521, 524, 547, 1106, 1112, 1129, 1141, 1173, 1174, 1201, 1207, 1208, 1225, 1228, 1301, 1306, 1307, 1325, 1328 of this title; title 7 section 24; title 15 section 78fff-1; title 20 section 1087; title 26 sections 108, 1398, 4980, 6012; title 28 sections 586, 1930; title 29 section 1362.

SUBCHAPTER I—OFFICERS AND ADMINISTRATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 103 of this title; title 15 section 78fff.

§ 701. Interim trustee

(a)(1) Promptly after the order for relief under this chapter, the United States trustee shall ap-

point one disinterested person that is a member of the panel of private trustees established under section 586(a)(1) of title 28 or that is serving as trustee in the case immediately before the order for relief under this chapter to serve as interim trustee in the case.

(2) If none of the members of such panel is willing to serve as interim trustee in the case, then the United States trustee may serve as interim trustee in the case.

(b) The service of an interim trustee under this section terminates when a trustee elected or designated under section 702 of this title to serve as trustee in the case qualifies under section 322 of this title.

(c) An interim trustee serving under this section is a trustee in a case under this title.

(Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2604; Pub. L. 99-554, title II, §215, Oct. 27, 1986, 100 Stat. 3100.)

HISTORICAL AND REVISION NOTES

LEGISLATIVE STATEMENTS

The House amendment deletes section 701(d) of the Senate amendment. It is anticipated that the Rules of Bankruptcy Procedure will require the appointment of an interim trustee at the earliest practical moment in commodity broker bankruptcies, but no later than noon of the day after the date of the filing of the petition, due to the volatility of such cases.

SENATE REPORT NO. 95-989

This section requires the court to appoint an interim trustee. The appointment must be made from the panel of private trustees established and maintained by the Director of the Administrative Office under proposed 28 U.S.C. 604(e).

Subsection (a) requires the appointment of an interim trustee to be made promptly after the order for relief, unless a trustee is already serving in the case, such as before a conversion from a reorganization to a liquidation case.

Subsection (b) specifies that the appointment of an interim trustee expires when the permanent trustee is elected or designated under section 702.

Subsection (c) makes clear that an interim trustee is a trustee in a case under the bankruptcy code.

Subsection (d) provides that in a commodity broker case where speed is essential the interim trustee must be appointed by noon of the business day immediately following the order for relief.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-554 designated existing provisions as par. (1), substituted “the United States trustee shall appoint” for “the court shall appoint”, “586(a)(1)” for “604(f)”, “that is serving” for “that was serving”, and added par. (2).

EFFECTIVE DATE OF 1986 AMENDMENT

Effective date and applicability of amendment by Pub. L. 99-554 dependent upon the judicial district involved, see section 302(d), (e) of Pub. L. 99-554, set out as a note under section 581 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 303, 322, 348, 557, 703 of this title.

§ 702. Election of trustee

(a) A creditor may vote for a candidate for trustee only if such creditor—

(1) holds an allowable, undisputed, fixed, liquidated, unsecured claim of a kind entitled to